

## Remarks

This paper responds to the Office Action dated January 24, 2006.

**Status of claims.** Claims 15, 20, and 21 are allowed.

***The independent claims that have not yet been allowed.*** The Examiner maintains his rejection of independent claims 14 and 19 a two-way combination of references US Pat. No. 6,141,355 to Palmer *et alia* ("Palmer"), issued October 31, 2000 and US Pat. No. 6,614,796 to Black *et alia* ("Black"), issued September 2, 2003.

The Examiner expressed, without support, the view that "at the time the invention was made ... it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Palmer et al. with the Black et al. to obtain the inventions specified in claims 14 and 19." Applicant's attorney disagreed with this view, and motivated by the case of *In Re Ahlert and Kruger*, 165 USPQ 418 (CCPA 1970) applicant's attorney hereby challenged this view and asked whether the Examiner could show support for this view. The applicant pointed out that Black teaches the use of collision-based networking and Palmer teaches the use of collision-less networking, and that no one skilled in the art would try to combine such disparate references. It is like mixing oil and water. Nowhere in the Office Action dated January 24, 2006 was the undersigned able to find any response by the Examiner to this problem.

To the extent the undersigned found some mention of this cannot-be-combined problem in the January 24, 2006, it was as follows:

... it is noted that the features upon which applicant relies (i.e. the references cannot be combined based on distinction between circuit-switched and collision-based packet systems) are not recited in the rejected claims 14 and 16-19. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

The undersigned understands the Examiner to be inviting the undersigned to insert some

language into the rejected independent claims to limit the claims to circuit-switched communication as distinguished from collision-based communication. For this reason, each of claims 14 and 19 has been amended in this way. The amendments do not add new matter, as the specification sets forth the use of a fibre-channel arbitrated loop which is circuit-switched rather than collision-based.

With these amendments to claims 14 and 19, it is suggested that one would not turn to Black, a collision-based reference.

Reconsideration and allowance of claims 14 and 19 is requested.

Respectfully submitted,

Carl Oppedahl  
PTO Reg. No. 32,746  
telephone 970 468 8600